

House File 2253 - Introduced

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BY KAUFMANN, SWEENEY, MOORE,
HUSEMAN, SODERBERG,
LOFGREN, COWNIE, J. TAYLOR,
BRANDENBURG, JORGENSEN,
ALONS, RASMUSSEN, PAUSTIAN,
HAGER, KOESTER, GARRETT,
and DOLECHECK

A BILL FOR

- 1 An Act relating to reporting a missing child to a law
- 2 enforcement agency, and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **726.9 Reporting a missing child**
2 **to law enforcement.**

3 1. As used in this section:

4 *a. "Parent"* means a parent, guardian, or other adult, who is
5 a member of a child's household and responsible for the child's
6 welfare.

7 *b. "Serious injury"* means as defined in section 702.18.

8 *c. "Supervisory person"* means the following:

9 (1) A person who has accepted, undertaken, or assumed
10 supervision of a child from a parent.

11 (2) A person who has undertaken or assumed temporary
12 supervision of a child without explicit consent from a parent.

13 2. A parent of a child twelve years of age or younger who
14 recklessly fails to make contact with or verify the whereabouts
15 and safety of the child within a twenty-four-hour period
16 commits the following:

17 *a.* A class "B" felony, if the parent fails to report
18 the child as missing to a law enforcement agency within the
19 twenty-four-hour period, and the child is found dead or dies
20 shortly after being found from injuries sustained while the
21 child was missing.

22 *b.* A class "C" felony, if the parent fails to report
23 the child as missing to a law enforcement agency within the
24 twenty-four-hour period, and the child when found has suffered
25 a serious injury.

26 *c.* An aggravated misdemeanor, if the parent fails to report
27 the child as missing to a law enforcement agency within the
28 twenty-four-hour period.

29 3. A parent of a child twelve years of age or younger who
30 fails to make contact with or verify the whereabouts and safety
31 of the child within a twenty-four-hour period commits the
32 following:

33 *a.* A class "C" felony, if the parent fails to report
34 the child as missing to a law enforcement agency within the
35 twenty-four-hour period, and the child is found dead or dies

1 shortly after being found from injuries sustained while the
2 child was missing.

3 *b.* A class "D" felony, if the parent fails to report
4 the child as missing to a law enforcement agency within the
5 twenty-four-hour period, and the child when found has suffered
6 a serious injury.

7 *c.* A serious misdemeanor, if the parent fails to report
8 the child as missing to a law enforcement agency within the
9 twenty-four-hour period.

10 4. A supervisory person of a child twelve years of age
11 or younger who fails to make contact with or verify the
12 whereabouts and safety of the child within a twenty-four-hour
13 period commits a serious misdemeanor if the supervisory person
14 fails to report the child as missing to a law enforcement
15 agency within the twenty-four-hour period.

16 EXPLANATION

17 This bill relates to reporting a missing child to a law
18 enforcement agency.

19 The bill creates a new criminal offense for failing to report
20 a missing child to a law enforcement agency.

21 Under the bill, a parent of a child 12 years of age or
22 younger who recklessly fails to make contact with or verify the
23 whereabouts and safety of the child within a 24-hour period
24 commits a class "B" felony, if the parent fails to report the
25 child as missing to a law enforcement agency within the 24-hour
26 period, and the child is found dead or dies shortly after being
27 found from injuries sustained while the child was missing. If
28 the child suffers a serious injury as defined in Code section
29 702.18, the parent commits a class "C" felony, or if the child
30 has no injury, the parent commits an aggravated misdemeanor.

31 Under the bill, a parent of a child 12 years of age
32 or younger who fails to make contact with or verify the
33 whereabouts and safety of the child within a 24-hour period
34 commits a class "C" felony, if the parent fails to report the
35 child as missing to a law enforcement agency within the 24-hour

1 period, and the child is found dead or dies shortly after being
2 found from injuries sustained while the child was missing. If
3 the child suffers a serious injury as defined in Code section
4 702.18, the parent commits a class "D" felony, or if the child
5 has no injury, the parent commits a serious misdemeanor.

6 A supervisory person of a child 12 years of age or younger
7 who fails to make contact with or verify the whereabouts and
8 safety of the child commits a serious misdemeanor if the
9 supervisory person fails to report the child as missing to a
10 law enforcement agency within the 24-hour period.

11 The bill defines "parent" to mean a parent, guardian,
12 or other adult, who is a member of a child's household and
13 responsible for the child's welfare.

14 The bill defines "supervisory person" to mean a person
15 who has accepted, undertaken, or assumed supervision of a
16 child from a parent, or a person who has undertaken or assumed
17 temporary supervision of a child without explicit consent from
18 the parent.

19 A person convicted under this bill, in accordance with Code
20 section 726.10, may be required to register as a sex offender,
21 if the offense was committed against the minor and the fact
22 finder makes a determination that the offense was sexually
23 motivated.

24 A serious misdemeanor is punishable by confinement for no
25 more than one year and a fine of at least \$315 but not more than
26 \$1,875. An aggravated misdemeanor is punishable by confinement
27 for no more than two years and a fine of at least \$625 but
28 not more than \$6,250. A class "D" felony is punishable by
29 confinement for no more than five years and a fine of at
30 least \$750 but not more than \$7,500. A class "C" felony is
31 punishable by confinement for no more than 10 years and a fine
32 of at least \$1,000 but not more than \$10,000. A class "B"
33 felony is punishable by confinement for no more than 25 years.